

STATE OF NEW YORK
COUNTY OF NEW YORK

COUNTY CLERK LOG NO. _____

**SUBPOENA
(pursuant to the Uniform
Interstate Deposition and
Discovery Act and CPLR §3119)**

Kegler, Brown, Hill, & Ritter, Co., LPA ,
Plaintiff,

v.

Carlo M. Croce

Defendant.

**Originating State: Ohio
Originating County: Franklin
Originating Court: Common Pleas
Originating Case number: 22-CV-003954**

**SUBPOENA DUCES TECUM
pursuant to the Uniform Interstate Discovery Act
(Personal Attendance Not Required)**

TO: Sotheby's
Attn: Legal and Compliance Department
1334 York Avenue
New York, NY 10021

WE COMMAND YOU to appear at the time, date, and place set forth below at Demovksy Lawyer Service, 401 Broadway, Suite 808, New York, NY 10013 on the 27th day of March, 2023 at 10:00 a.m., and that you bring with you, and produce at the time and place aforesaid, the following documents, electronically stored information, or objects and permit their inspection, copying, testing or sampling of material: See attached Exhibit A. **Documents can be provided electronically to mguthrie@keglerbrown.com**

THIS SUBPOENA IS FOR RECORDS AND DOCUMENTS ONLY; YOU NEED NOT APPEAR IN PERSON.

FAILURE TO COMPLY with this SUBPOENA is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed one hundred fifty dollars and all damages sustained by reason of your failure to comply.

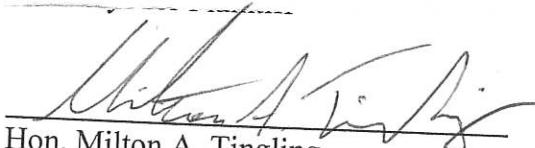
This matter relates to an action in the matter of Kegler, Brown, Hill & Ritter, Co., LPA v. Carlo M. Croce, Franklin County Common Pleas Court, Columbus, Ohio Case No. 22-CV-003954 is being issued under the provisions of the CPLR§3119. The Judge in this matter is Bill A. Sperlazza. The counsel of record in this case are:

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Carlo Croce

2/23/23
Dated


Hon. Milton A. Tingling
New York County Clerk

023601\000562\4895-2156-8849v1

EXHIBIT A

INSTRUCTIONS

Produce the following documents to **Maria Guthrie** at the following address: **Kegler, Brown, Hill + Ritter, 65 E. State Street, Suite 1800, Columbus, Ohio 43215** or email address: mguthrie@keglerbrown.com.

DEFINITIONS

1. **“Document” or “documents”** mean any writing of any kind, including the original and any non-identical copy of any and all written, printed, typed, recorded, graphic, computer generated, portable electronic device-generated, or other manner of any kind from which information can be derived, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, computer storage device, portable electronic storage device, mobile phone or “pda”, tablet or iPad, social media or any other medium in your possession, custody or control. It includes, without limiting the generality of the foregoing, letters, notes, memoranda (whether of visits, telephone calls, meetings, or otherwise), appointment calendars, schedules, books, indices, printed forms (whether official or unofficial), publications, press releases, notices, brochures, pamphlets, guide books, manuals, instructions, minutes, summaries or abstracts, reports, files, file jackets, transcripts, data processing cards, computer tapes or storage devices, printouts, information contained in, on or retrievable from computer programs, bulletins, written questions and answers, charts, exhibits, blueprints, drawings, diagrams, graphs, tables, photographs, recordings, speeches, telegraphs, cables, telex messages, email, text messages, instant messages, social media, microfilm, microfiche, opinions, studies, papers, analyses, evaluations, proposals, budget materials, invoices, financial statements, contracts, specifications, applications, motions, petitions, complaints, answers, responses, replies, protests, verified statements, hearing transcripts, exhibits, attachments, reports, filings, submissions, pleadings, contracts, agreements and forecasts. The terms **“document” or “documents”** shall include the original and each copy that is not identical to the original or to any other produced copy, and any other produced copy, and any drafts of any documents and any working paper.
2. **“Communication” or “communications”** shall mean any conversation or other oral or written contact, formal or informal, at any time or place, under any circumstances whatsoever, whereby information of any nature was transmitted or transferred, whether or not subsequently recorded in any document. “Communication” includes, but is not limited to, meetings, telephone conversations, emails, faxes, discussions, memoranda, correspondence, reports, executive summaries, briefings and oral requests for information.
3. **“Croce”** shall mean Carlo M. Croce, whose residence is 2140 Cambridge Boulevard, Upper Arlington, Ohio 43221.
4. **“You” or “Sotheby’s”** shall mean Sotheby’s, its agents, affiliates, subsidiaries, employees, and contractors.

DOCUMENTS TO PRODUCE

1. Copies of all documents and communications relating to or regarding or referring to any appraisals and/or valuations performed by You for any work of art, including but not limited to any Old Master paintings, paintings, drawings, collectibles, jewelry, and/or sculpture owned by Croce or requested by Croce.
2. Copies of all documents and communications supporting such appraisals and/or valuations of any work of art owned by Croce, including but not limited documents relating to the provenance of any such work of art, purchase contracts, records of payment, bills of sale.
3. Copies of all documents and communications relating to the sale of or potential sale of any work of art owned by Croce from January 1, 2020 to present, including but not limited to sales contracts, commission agreements, bills of sale, auction information, bidding information, purchase agreements, marketing and/or advertising of such sale, names and addresses of potential and/or actual buyer(s).
4. Copies of all documents and communications relating to or regarding or referring to any request by Croce for any line of credit or any other financial arrangement relating to any work or works of art owned by Croce, including but not limited to copies of any promissory notes, security agreements, and other financial documents.